

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

|                             |   |                   |
|-----------------------------|---|-------------------|
| WILLIAM THOMAS HAYNES, JR., | ) |                   |
|                             | ) |                   |
| Plaintiff,                  | ) |                   |
|                             | ) |                   |
| vs.                         | ) | No. CIV-10-1241-C |
|                             | ) |                   |
| BILL WINCHESTER, Garfield   | ) |                   |
| County Sheriff, et al.,     | ) |                   |
|                             | ) |                   |
| Defendants.                 | ) |                   |

ORDER

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on January 18, 2011, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. Plaintiff's sole objection is that as a pro se plaintiff with limited access to legal materials he should be allowed to amend to correct the defects noted in the Report and Recommendation. However, those defects cannot be cured by amendment.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this case is dismissed. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 15th day of February, 2011.



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ROBIN J. CAUTHRON  
United States District Judge